

NATURAL RESOURCE COMMISSION[571]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code subsection 455A.5(6), the Natural Resource Commission hereby gives Notice of Intended Action to amend Chapter 15, “General License Regulations,” Iowa Administrative Code.

The proposed changes clarify what additional information may be sought by the Department to determine residency status of license applicants and license holders and provide a process for suspension and revocation of licenses not properly obtained.

Any interested person may make written suggestions or comments on the proposed amendments on or before May 25, 2010. Such written materials should be directed to Mark Sedlmayr, Department of Natural Resources, Wallace State Office Building, 502 E. 9th Street, Des Moines, Iowa 50319-0034; fax (515)281-6794; or E-mail mark.sedlmayr@dnr.iowa.gov. Persons who wish to convey their views orally should contact the Law Enforcement Bureau at (712)769-2587.

Also, there will be a public hearing on May 25, 2010, at 1 p.m. in the Fifth Floor East Conference Room, Wallace State Office Building, 502 E. 9th Street, Des Moines, Iowa. At the public hearing, persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendments.

Any persons who intend to attend the public hearing and have special needs, such as those related to hearing or mobility impairments, should contact the Department of Natural Resources and advise of specific needs.

These amendments are intended to implement Iowa Code chapter 483A.

The following amendments are proposed.

ITEM 1. Adopt the following **new** definitions in rule **571—15.2(483A)**:

“Immediate family member” means the spouse, a domestic partner, and all minor children of the licensee or person seeking a license.

“Nonresident” means a person who meets the definition of nonresident as defined in 2009 Iowa Code Supplement section 483A.1A(8).

“Principal and primary residence or domicile” means the place that meets the definition of principal or primary residence or domicile as defined in 2009 Iowa Code Supplement section 483A.1A(9). Relevant factors used to determine a person’s principal and primary residence or domicile include the following:

1. Proof of place of employment, which must include the address of the person’s place of employment or business, including the area or region where a majority of the person’s work is performed.

2. Physical address, which shall be the person’s 911 address(es) or the address of an immediate family member. A post office box or a forwarded address shall not be accepted by the department to verify the person’s principal and primary residence or domicile.

3. Utility records, which must include the person’s name and be associated with the physical address provided for as the person’s principal and primary residence or domicile. The types of records that may be submitted include rental and lease documents and telephone, cellular phone, electricity, water, sewer, cable or satellite television, and any other utility records.

4. Real estate records, which include legal documents showing ownership or leasehold interests of any and all real estate related to the physical address used by the department to verify the person’s

principal and primary residence or domicile. These records should also provide the time period of such ownership or rental.

5. Vehicle registration(s) for any vehicles owned or leased by the person and immediate family members.

6. Portion of federal, state or local income tax returns filed during the relevant time period showing the address provided on those forms by the person.

7. Documentation of homestead tax exemption allowed to the person or immediate family member(s) for all states in which such exemption is allowed.

8. Documentation of any coinhabitants, other than the person's immediate family members, who use the same principal and primary residence or domicile.

"*Resident*" means a person who meets the definition of a resident as defined in 2009 Iowa Code Supplement section 483A.1A(10).

ITEM 2. Adopt the following new rules 571—15.9(483A) to 571—15.11(483A):

571—15.9(483A) Proof of residency required. The department shall have the authority to require persons applying for or who have received resident licenses to provide additional information to determine the person's principal and primary residence or domicile and residency status. Whether a person was issued resident or nonresident licenses by the department in previous years shall not be a determining factor of residency. Persons required to provide additional information under this rule shall be notified in writing by the department and shall have 60 days to submit all required information to the department.

571—15.10(483A) Residency status determination. Upon receipt of information requested from the person, the department may determine whether the person is a resident or a nonresident for purposes of these rules and Iowa Code chapter 483A. If the department changes the residency classification of the person, the department shall notify the person of the department's decision in writing, and the person shall be classified accordingly by the department for all licensing requirements unless or until the person's principal and primary residence or domicile changes or the person is otherwise successful under these rules in modifying that classification.

571—15.11(483A) Suspension or revocation of licenses when nonresidents obtain resident licenses.

15.11(1) *Suspension or revocation of license.* If the department finds that a nonresident has obtained a resident license, the department shall provide written notice of intent to revoke and suspend hunting, fishing, or trapping licenses as provided in 571—Chapter 7. If the person requests a hearing, it shall be conducted in accordance with 571—Chapter 7. If the department finds that a nonresident has obtained a resident license fraudulently or through intentional misrepresentation, the person shall be guilty of a simple misdemeanor, punishable as a scheduled violation under Iowa Code section 805.8B.

15.11(2) *Dates of suspension or revocation.* The suspension or revocation shall be effective upon failure of the person to request a hearing within 30 days of the notice described in 15.16(6) or upon issuance of an order affirming the department's intent to suspend or revoke the license after the hearing. The person shall immediately surrender all licenses and shall not apply for or obtain new licenses for the full term of the suspension or revocation.

15.11(3) *Magistrate authority.* Nothing in this chapter shall limit the magistrate's authority as described in Iowa Code section 483A.21 to suspend or revoke licenses.